

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ROBERT DEREK LURCH, JR.,	:
	:
Plaintiff,	:
	:
-against-	:
	:
THE CITY OF NEW YORK, et al.,	:
	:
Defendants.	:
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23-CV-5249 (JHR) (OTW)

**ORDER**

**ONA T. WANG, United States Magistrate Judge:**

The Court has reviewed ECF 62. The City’s request to adjourn Plaintiff’s deposition is **DENIED**. Plaintiff’s video deposition was scheduled on April 11, 2024, for today, April 25, 2024, a week before the conflicting settlement conference was scheduled. Also troubling, this request for adjournment was made six days after Defendants discovered the conflict and less than 17 hours before – literally on the eve of – Plaintiff’s deposition.

On April 11, 2024, I also signed an Order to Produce, which directed the Warden of the Cayuga Correctional Facility to produce Mr. Lurch for his deposition. (ECF 54). Complying with an Order to Produce comes at some cost, ultimately to taxpayers, for personnel at the correctional facility. Moreover, it takes the incarcerated person out of their usual schedule, which can include missing meals and other activities. Because the request for adjournment was filed after hours last night to adjourn a deposition expected to start at 10:00 a.m. today, there was no way to timely alert Plaintiff or the Warden of the change in plans, even if the adjournment had been granted this morning. Nor should counsel have expected that an adjournment would have been granted even if the request had been filed earlier; the

conflicting settlement conference was scheduled one week after this deposition was scheduled, and the Law Department employs multiple attorneys.

Defendants are directed to serve a copy of this order on *pro se* Plaintiff, and file proof of same on the docket. The Clerk of Court is respectfully direct to close ECF 62.

**SO ORDERED.**

Dated: New York, New York  
April 25, 2024

/s/ Ona T. Wang

**Ona T. Wang**  
United States Magistrate Judge